

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

NELSON R. SANTANA
Fed. Reg. No. 24213-038
vs.

CIVIL ACTION NO. 08-1196

SECTION P
JUDGE DOHERTY

**UNITED STATES DEPARTMENT
OF JUSTICE**

MAGISTRATE JUDGE METHVIN

ORDER

Nelson R. Santana, a prisoner in the custody of the Federal Bureau of Prisons, who is incarcerated at the Pine Prairie Corrections Center, Pine Prairie, Louisiana has filed a complaint seeking judicial review of his request for access to records pursuant to 5 U.S.C. §552(a)(4)(B). [rec. doc. 1] Santana seeks copies of surveillance tapes and/or DVDs, telephone records, and a telephone chart which he claims were introduced into evidence as Prosecution Exhibits 44, 10, and 3 in a criminal trial in the United States District Court for the District of New Hampshire entitled *United States of America v. Nelson Santana*, Docket Number CR-02-45-01-JD. Santana also filed a “Motion for Stay.” [rec. doc. 3] This matter has been referred to the undersigned for review, report and recommendation in accordance with the provisions of 28 U.S.C. §636 and the standing orders of the court. In order to determine an appropriate resolution of this matter,


THE CLERK OF COURT IS DIRECTED to serve a copy of this Order and the referenced pleadings [rec. docs. 1 and 3] on the United States Attorney.

The United States Attorney shall serve an answer or otherwise plead to the complaint and motion within thirty days after service of this order as mandated by the provisions of 5 U.S.C. §552(a)(4)(C). The answer shall be accompanied by a memorandum of legal argument and authorities, and any pertinent exhibits.

Any reply memorandum which the petitioner desires to file shall be filed within fifteen (15) days following the date that the answer is filed.

After a review of the Motion and all relevant memoranda, and attachments, the Court will determine whether an evidentiary hearing is necessary.

Signed at Lafayette, Louisiana, on September 30, 2008.



Mildred E. Methvin
United States Magistrate Judge
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